

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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KATHRYN KNOWLTON, DANA McCORMICK,  
TRACY COLE, TALEAVIA COLE, TAHUDAH COLE,  
TRIASTIANA WALLS, ANDREW AARON,  
KAMILA AHMED, ROBERT AGNEW, ISIAH BALDWIN,  
JACQUELINE BOGENBERGER, RAINE CICH, STEVEN  
CONKLIN, RACHEL DULAY, ANNE DELESSIO-PARSON,  
ERIK FANNING, JILL FERGUSON, BREON FOSTER,  
JOANNA GEISER, JOSEPH HAYES, PERCY HAYES,  
DESTINEY JONES, SEAN KAHER, JOEY KOEPP,  
SONORA LARSON, HOLLY LAVORA, LAZARITO  
MATHEU, MOLLY NILSSEN, CARMEN PALMER,  
(JUVENILE) PALMER, (JUVENILE) PALMER,  
LEAH PORTER, AIDALI RIVERA, WILLIAM RIVERA,  
HECTOR RODRIGUEZ, JOSE HERNADEZ RAMIREZ,  
OSCAR CONCEPCION RODRIGUEZ, ROSALIND ROGERS,  
NATHAN SABEL, WILLIAM SCHROEDER, MARIAH  
SMITH, PETER SPARKS, ANGEL VEGA,  
CHRISTINA VITOLO-HADDAD, GABRIELLA  
VITUCCI, SUZANNE WELLS, BRANDON WILBORN,  
KATELYN WOJNAR, SONJA WORTHY, KHALIL  
COLEMAN, and MEMBERS OF THE PEOPLE'S REVOLUTION  
AN UNINCORPORATED ENTITY, hereinafter referred to as  
(TPR), on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Case No. 2020-CV-01660

CITY OF WAUWATOSA, BARRY WEBER,  
DENNIS MCBRIDE, and JOHN DOE OFFICERS,

Defendants.

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**DEFENDANTS' F.R.C.P. 7(h) MOTION TO SEAL ALL DISCOVERY MATERIALS**

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Defendants, City of Wauwatosa, Barry Weber, and Dennis McBride, by their attorneys, Gunta Law Offices, S.C., move this Court pursuant to F.R.C.P. 7(h) for an Order sealing discovery materials filed in this matter.

1. While the public may have an interest in the information filed in matters before our courts, “[t]hat interest does not always trump the property and privacy interests of the litigants.” *Citizens First Nat. Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999). The presumption of openness may be overcome by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest. *Press-Enter. Co. v. Superior Ct. of California, Riverside Cty.*, 464 U.S. 501, 510, 104 S. Ct. 819, 824, 78 L. Ed. 2d 629 (1984). This Court has the inherent power to seal court filings to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. *See* Fed. R. Civ. P. 26(c)(1); *see also* *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978).

2. It is appropriate for the Court to seal Defendants’ discovery documents, including deposition transcripts and exhibits, because there is a compelling governmental interest in preserving the confidentiality of information related to pending litigation, law enforcement operations, and good cause exists to seal personally identifying information of the City of Wauwatosa governmental officials and law enforcement. It is also necessary to prevent the reproduction of discovery materials to third parties.

3. Plaintiffs, through their counsel, have filed or produced confidential and sensitive discovery documents to the Court, which could lead to the City of Wauwatosa, Mayor and law enforcement being harassed, annoyed, unduly burdened and oppressed by the public, as these documents have been reproduced by media outlets. (Baynard Decl., ¶ 2)

4. For example, on April 7th, 2021, City of Wauwatosa law enforcement discovered that Urban Milwaukee had posted its Civil Unrest Operational Plan, along with other documents filed by Plaintiffs in this matter containing personal identifying information, including personal phone numbers of volunteer Police and Fire Commission individuals, government officials, and details regarding law enforcement operations and security protocol. (*Id.* ¶¶ 4, 6, 7)

5. On Thursday, April 1, 2020, the Milwaukee National Lawyers Guild hosted a virtual presentation given by attorney Kimberley Motley titled “What’s wrong with the Wauwatosa Police Department.” During the presentation, which was open to the public, Attorney Motley shared her research, experiences, and court filings against the City of Wauwatosa. This presentation also touched on unrelated matters currently being litigated against the City of Wauwatosa. (*Id.* ¶ 3)

6. Discussions between the two parties regarding the sensitivity of discovery materials have been futile, and Plaintiffs’ counsel has repeatedly rejected Defendants proffered protective order, with no rationale as to why they will not agree, and they ignored Defendants’ request that they re-file a redacted version of Docket number 24-1. (*Id.* ¶¶ 4, 5, 8)

**WHEREFORE**, Defendants respectfully request an Order sealing all discovery material, including depositions, to protect the integrity of this action and other ongoing litigation with the City of Wauwatosa, including any pending criminal proceedings, as well as the confidentiality of governmental officials and law enforcement personnel involved. Defendants also ask that Docket number 24-1 be sealed as soon as possible, as well as any other relief that the Court may deem fit.

Dated at Wauwatosa, Wisconsin this 22nd day of April, 2021.

**GUNTA LAW OFFICES, S.C.**

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McBride

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